

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:19-CV-509-D

SYNGENTA CROP PROTECTION, LLC,)
)
Plaintiff,)
)
v.)
)
ATTICUS, LLC,)
)
Defendant.)

ORDER

This matter is before the court on Plaintiff's unopposed Motion to Seal certain documents filed in connection with Defendant's Second Motion to Compel Discovery, which motion has been referred to the undersigned for disposition pursuant to 28 U.S.C. § 636(b)(1)(A) by the Honorable James C. Dever III, United States District Judge.

Plaintiff moves to seal the filings on the ground they "contain sensitive business and technical information concerning Syngenta's confidential communications with third parties, Syngenta's confidential agreements with third parties and other Syngenta entities, and Syngenta's strategies on sales, marketing, generic competition, its patent portfolio, and evaluating potential illegal azoxystrobin products and potential infringement of and enforcement of its intellectual property." (Mot. Seal [DE #100].)

For the reasons set forth in Plaintiff's motion and supporting memorandum, the court finds that the public's common law right of access is outweighed by

Plaintiff's interests in protecting against competitive and/or financial harm to Plaintiff were such information made public. *In re Knight Publ'g Co.*, 743 F.2d 231 (4th Cir. 1984). Public notice of Plaintiff's request to seal and a reasonable opportunity to object have been provided by the filing of its motion, and no objections have been filed with the court. Furthermore, Plaintiff has narrowly tailored its request to remove only information that is sensitive and confidential and not otherwise publicly known. Plaintiff's motion is therefore allowed.

CONCLUSION

For the foregoing reasons, it is hereby ORDERED as follows:

1. Plaintiff's Motion to Seal [DE #100] is GRANTED, and the following documents shall be SEALED:

a. Defendant's Memorandum in Support of its Second Motion to Compel Discovery [DE #92]. A redacted version of this filing is attached as Exhibit 1 to the Declaration of Jeff Cecil [DE #101-3].

b. Declaration of Robert J. Scheffel [DE #94]. A redacted version of this filing is attached as Exhibit 2 to the Declaration of Jeff Cecil [DE #101-4].

c. Exhibit 3 to Declaration of Robert J. Scheffel (Defendant's Second Set of Interrogatories (Nos. 9-10)) [DE #94-2]. A redacted version of this filing is attached as Exhibit 3 to the Declaration of Jeff Cecil [DE #101-5].

d. Exhibit 4 to Declaration of Robert J. Scheffel (Defendant's Third Set of Interrogatories (Nos. 11-15)) [DE #94-3]. A redacted version of this filing is attached as Exhibit 4 to the Declaration of Jeff Cecil [DE #101-6].

e. Exhibit 9 to Declaration of Robert J. Scheffel (letter from Plaintiff's counsel to Defendant's counsel) [DE #94-4]. A redacted version of this filing is attached as Exhibit 5 to the Declaration of Jeff Cecil [DE #101-7].

f. Exhibit 10 to Declaration of Robert J. Scheffel (letters bearing bates SYN_ATTICUS_00287698 and SYN_ATTICUS_00318056) [DE #94-5].

g. Exhibit 11 to Declaration of Robert J. Scheffel (letters bearing bates SYN_ATTICUS_00293067 and SYN_ATTICUS_00293023) [DE #94-6].

h. Exhibit 12 to Declaration of Robert J. Scheffel (letter bearing bates SYN_ATTICUS_00159227) [DE #94-7].

i. Exhibit 13 to Declaration of Robert J. Scheffel (email bearing bates SYN_ATTICUS_00159221) [DE #94-8].

j. Exhibit 14 to Declaration of Robert J. Scheffel (letter bearing bates SYN_ATTICUS_00279359) [DE #94-9].

k. Exhibit 15 to Declaration of Robert J. Scheffel (letter bearing bates SYN_ATTICUS_00279370) [DE #94-10].

l. Exhibit 16 to Declaration of Robert J. Scheffel (Syngenta presentation bearing bates SYN_ATTICUS_00135536) [DE #94-11].

m. Exhibit 18 to Declaration of Robert J. Scheffel (Syngenta report bearing bates SYN_ATTICUS_00297837) [DE #94-13].

n. Exhibit 19 to Declaration of Robert J. Scheffel (Syngenta presentation bearing bates SYN_ATTICUS_0036402) [DE #94-14].

o. Exhibit 21 to Declaration of Robert J. Scheffel (email bearing bates SYN_ATTICUS_00284598) [DE #94-15].

p. Exhibit 22 to Declaration of Robert J. Scheffel (Syngenta presentation bearing bates 22 SYN_ATTICUS_0031504) [DE #94-16].

q. Exhibit 23 to Declaration of Robert J. Scheffel (Syngenta report bearing bates SYN_ATTICUS_00297837) [DE #94-17].

r. Exhibit 24 to Declaration of Robert J. Scheffel (Syngenta agreement bearing bates SYN_ATTICUS_0000181) [DE #94-18].

s. Exhibit 28 to Declaration of Robert J. Scheffel (letter from Defendant's counsel to Plaintiff's counsel) [DE #94-19]. A redacted

version of this filing is attached as Exhibit 6 to the Declaration of Jeff Cecil [DE #101-8].

t. Exhibit 30 to Declaration of Robert J. Scheffel (Syngenta agreement bearing bates SYN_ATTICUS_00284136) [DE #94-20].

u. Exhibit 31 to Declaration of Robert J. Scheffel (email bearing bates SYN_ATTICUS_0026501) [DE #94-21].

v. Exhibit 32 to Declaration of Robert J. Scheffel (Syngenta presentation bearing bates SYN_ATTICUS_0026503) [DE #94-22].

w. Exhibit 33 to Declaration of Robert J. Scheffel (Syngenta presentation bearing bates SYN_ATTICUS_00036402) [DE #94-23].

x. Exhibit 34 to Declaration of Robert J. Scheffel (Syngenta report bearing bates SYN_ATTICUS_00163502) [DE #94-24].

y. Exhibit 35 to Declaration of Robert J. Scheffel (email bearing bates SYN_ATTICUS_00271881) [DE #94-25].

z. Exhibit 36 to Declaration of Robert J. Scheffel (email bearing bates SYN_ATTICUS_00273856) [DE #94-26].

aa. Exhibit 37 to Declaration of Robert J. Scheffel (email bearing bates SYN_ATTICUS_00273860) [DE #94-27].

bb. Exhibit 38 to Declaration of Robert J. Scheffel (letter bearing bates SYN_ATTICUS_00280142) [DE #94-28].

cc. Exhibit 39 to Declaration of Robert J. Scheffel (Syngenta presentation bearing bates SYN_ATTICUS_00284286) [DE #94-29].

dd. Exhibit 40 to Declaration of Robert J. Scheffel (Syngenta presentation or report bearing bates SYN_ATTICUS_00284604) [DE #94-30].

ee. Exhibit 41 to Declaration of Robert J. Scheffel (Syngenta report bearing bates SYN_ATTICUS_00284614) [DE #94-31].

ff. Exhibit 42 to Declaration of Robert J. Scheffel (email bearing bates SYN_ATTICUS_00284794) [DE #94-32].

gg. Exhibit 43 to Declaration of Robert J. Scheffel (Syngenta presentation bearing bates SYN_ATTICUS_00284799) [DE #94-33].

hh. Exhibit 44 to Declaration of Robert J. Scheffel (Syngenta presentation bearing bates SYN_ATTICUS_00284804) [DE #94-34].

ii. Exhibit 45 to Declaration of Robert J. Scheffel (email bearing bates SYN_ATTICUS_00284810) [DE #94-35].

jj. Exhibit 46 to Declaration of Robert J. Scheffel (email bearing bates SYN_ATTICUS_00285301) [DE #94-36].

kk. Exhibit 47 to Declaration of Robert J. Scheffel (letter bearing bates SYN_ATTICUS_00287697) [DE #94-37].

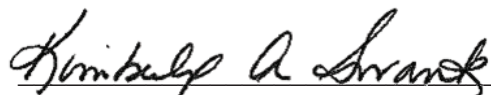
ll. Plaintiff's Response in Opposition to Defendant's Second Motion to Compel Discovery [DE #98]. A redacted version of this filing is attached as Exhibit 7 to the Declaration of Jeff Cecil [DE #101-9].

mm. Exhibit A to Declaration of Hari Santhanam (letter from Defendant's counsel to Plaintiff's counsel) [DE #98-1]. A redacted version of this filing is attached as Exhibit 8 to the Declaration of Jeff Cecil [DE #101-10].

nn. Exhibit C to Declaration of Hari Santhanam (declaration of James Cueva) [DE #98-2].

2. The clerk is directed to UNSEAL the following provisionally sealed document: Exhibit 17 to Declaration of Robert J. Scheffel (Plaintiff's First Amended Preliminary Infringement Contentions (redacted)) [DE #94-12].

This 26th day of June 2021.



KIMBERLY A. SWANK
United States Magistrate Judge